

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT WINCHESTER**

BIANCA CLAYBORNE,)
individually and as parent and next)
friend of minors, J.C., D.W., L.W.,)
A.C., and P.C.,)

Plaintiffs,)

v.)

Case No. 4:24-cv-00012

RUBEN BASALDUA, in his)
individual capacity, DONNIE)
CLARK, in his individual capacity,)
DOUGLAS FOSTER, in his)
individual capacity, JAMES)
THOMPSON, in his individual)
capacity, KATLYN PELHAM, in her)
individual capacity, MONTANA)
MEDINA, in her individual capacity,)
ERICA WRIGHT-GILLIAM, in her)
individual capacity, COFFEE)
COUNTY, TENNESSEE, a political)
subdivision acting by and through)
the Coffee County Sherriff's)
Department, OFFICER CRABTREE)
F/N/U, in his individual capacity, and)
COFFEE COUNTY SHERIFF'S)
DEPARTMENT JOHN DOES 1-10,)
in their respective individual)
capacities,)

Defendants.)

**DEFENDANTS OFFICER CRABTREE AND COFFEE COUNTY, TENNESSEE'S
MOTION FOR LEAVE TO FILE SUR-REPLY TO PLAINTIFFS' MEMORANDUM IN
SUPPORT OF MOTION FOR LEAVE TO FILE AMENDED COMPLAINT**

Come the Defendants, Officer Crabtree and Coffee County, Tennessee, (hereinafter collectively "Defendants"), by and through counsel, and hereby respectfully seek leave to file a sur-reply to respond to arguments raised for the first time in Plaintiffs' Memorandum in Support

of Motion for Leave to File Amended Complaint. (Doc. 82). For the first time, Plaintiffs make the argument that Coffee County and its employees “anticipated civil rights litigation *that day* [the date of incident] for intervening to separate the children from their mother.” (*Id.*).

Moreover, Plaintiffs allege for the first time in their Memorandum in Support of Motion for Leave to File Amended Complaint that proposed additional defendant Officer Frank Watkins (“Officer Watkins”) “recorded the call” that the County later failed to turn over to Plaintiffs’ counsel’s open records request. (*Id.*). However, the fact is that the recorded conversation that Plaintiffs now take issue with was automatically recorded and Officer Watkins was unaware of such. Plaintiffs make other arguments for the first time in their Memorandum, such as their allegation that they did not delay in naming the newly proposed additional Coffee County defendants. (*Id.*). Therefore, these Defendants seek leave to file a short sur-reply to clarify the averments that Plaintiffs bring before the Court for the first time. *See, e.g., Filtrexx Int’l, LLC v. Truelsen*, No. 5:12CV58, 2013 U.S. Dist. LEXIS 19536, at *1, n.1 (N.D. Ohio Feb. 13, 2013) (holding that good cause existed for a sur-reply where the other party raised new arguments in their reply brief) (citing *Tackett v. M & G Polymers USA, LLC*, No. 2:07cv126, 2011 U.S. Dist. LEXIS 30519, at *3-4 (S.D. Ohio Mar. 24, 2011) (granting plaintiffs’ motion for leave to file a sur-reply to address new arguments and factual assertions presented in defendants’ reply memorandum)).

Respectfully submitted this 4th day of February, 2025.

s/Grant A. Carringer

Jeff R. Thompson (BPR #020310)
Grant A. Carringer (BPR #041607)
LEWIS THOMASON, P.C.
900 S. Gay Street, Suite 300
P. O. Box 2425
Knoxville, Tennessee 37901-2425

Telephone: (865) 546-4646

Fax: (865) 523-6529

JRThompson@LewisThomason.com

GCarringer@LewisThomason.com

*Attorneys for Defendants Coffee County, Tennessee
and Officer Crabtree*

CERTIFICATE OF SERVICE

The undersigned certifies that on the 4th day of February, 2025, a true and exact copy of this Defendants Officer Crabtree and Coffee County, Tennessee's Motion for Leave to File Sur-Reply to Plaintiffs' Memorandum in Support of Motion for Leave to File Amended Complaint was filed electronically. Notice of this filing will be sent by operation of the court's electronic filing system to all parties indicated on the electronic filing receipt as follows:

Tricia R. Herzfeld
Anthony A. Orlandi
Herzfeld Suetholz Gastel Leniski and Wall, PLLC
223 Rosa L. Parks Avenue, Suite 300
Nashville, TN 37203
tricia@hsglawgroup.com
tony@hsglawgroup.com
Attorneys for Plaintiff

Abby R. Rubenfeld
Rubenfeld Law Office, PC
202 South Eleventh Street
Nashville, TN 37206
arubenfeld@rubenfeldlaw.com
Attorney for Plaintiff

Katherine P. Adams
Jordan K. Crews
Peako Jenkins
Meghan Murphy
Office of the Tennessee Attorney General
P.O. Box 20207
Nashville, TN 37202
Katherine.adams@ag.tn.gov
Jordan.crews@ag.tn.gov
Peako.jenkins@ag.tn.gov
Meghan.murphy@ag.tn.gov

*Attorneys for Ruben Basaldua, Donnie Clark, Douglas Foster, James Thompson, Katlyn Taylor
Pelham, Montana Medina, and Erica Wright-Gilliam*

W. Adam Izell
Law Office of W. Adam Izell, PLLC
P.O. Box 4386
Chattanooga, TN 37405
adam@chattlawyer.com

Attorneys for Ruben Basaldua, Donnie Clark, Douglas Foster and James Thompson

Chloe Kennedy
Daniel J. Ripper
Luther-Anderson, PLLC
P.O. Box 151
Chattanooga, TN 37401-0151
Attorneys for Katlyn Taylor Pelham

s/Grant A. Carringer
ATTORNEY